

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ALIGN TECHNOLOGY, INC.,

Plaintiff,

v.

**CLEARCORRECT OPERATING, LLC,
CLEARCORRECT HOLDINGS, INC., &
INSTITUT STRAUMANN AG,**

Defendants.

**CLEARCORRECT OPERATING, LLC,
CLEARCORRECT HOLDINGS, INC., &
STRAUMANN USA, LLC,**

Counterclaim-Plaintiffs,

v.

ALIGN TECHNOLOGY, INC.,

Counterclaim-Defendant.

Case No. 6:24-cv-00187-ADA-DTG

JURY TRIAL DEMANDED

PATENT CASE

**DECLARATION OF OMAR KHAN IN SUPPORT OF DEFENDANTS' MOTION FOR A
PROTECTIVE ORDER UNDER RULE 26(C)**

I, Omar Khan, hereby declare the following:

1. I am an attorney admitted to practice in the State of New York and have been admitted *pro hac vice* in this action. I am a partner at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP ("WilmerHale"), counsel for ClearCorrect Operating, LLC, ClearCorrect Holdings, Inc., Institut Straumann AG, and Straumann USA, LLC (collectively, "ClearCorrect").

I provide this declaration in support of Defendants' and Counterclaim-Plaintiffs' Motion for a Protective Order Under Fed. R. Civ. P. 26(c).

2. Unless otherwise indicated below, the statements in this declaration are based on my personal knowledge and my review of the documents cited herein. If called to testify as a witness, I could and would competently do so under oath.

3. Attached as **Exhibit 1** is a true and correct copy of the Notice of Subpoena and Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action served on SoftSmile, Inc. ("SoftSmile") and provided to ClearCorrect by Align Technology, Inc. ("Align").

4. Attached as **Exhibit 2** is a true and correct copy of the Declaration of Dave Scannell in support of ClearCorrect's motion for protective order and motion to quash.

5. Attached as **Exhibit 3** is a true and correct copy of the Confidentiality Agreement, dated December 4, 2023, governing ClearCorrect and SoftSmile's arbitration in the International Court of Arbitration of the International Chamber of Commerce.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on August 26, 2024.

/s/ Omar Khan

Omar Khan